



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 770

PRINTERS NO. 4562

PRIME SPONSOR: DeLuca

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
Professional Licensure Augmentation Account	\$0	See "Fiscal Impact"

**SUMMARY:** Requires pharmacy technicians to register with the State Board of Pharmacy (Board). Section 3.4 (pharmacy technician data entry) and section 9.5 (pharmacy testing) would take effect immediately and the remainder of the legislation would take effect in 60 days.

**ANALYSIS:** This legislation amends the act of September 27, 1961 (P.L. 1700, No. 699), known as the Pharmacy Act to require registration of pharmacy technicians starting one year after final regulations are promulgated. Registration would be subject to biennial renewal and pharmacy technician trainees are required to obtain temporary registrations.

**Pharmacy Technician Registration:** A pharmacy technician would not include clerical support who has no direct interaction with prescriptions and does not enter a prescription order. Pharmacy technicians are required to be responsible to and under the direct and immediate personal supervision of a pharmacist.

An applicant for pharmacy technician must:

- be at least 17 years of age,
- have a high school diploma (or its equivalent),
- pass a board-approved training program, and
- submit to a criminal background check and must not have a felony drug conviction.

Individuals currently practicing as a pharmacy technician shall:

- submit to a criminal background check, and
- have practiced for one of the two years immediately preceding the enactment.

The Board may issue, renew, revoke or suspend the registration and may not reinstate a registration that has been revoked or if the individual is unfit or unable to practice or has been convicted of a felony drug offense until 5 years have lapsed.

**Pharmacy Technician Trainee Registration:** The Board is granted authority to issue temporary registration to pharmacy technician trainees, which shall be valid for one year and used to obtain the required training. Only one temporary registration may be issued to an individual. A pharmacy technician trainee must:

- be at least 16 years of age,
- submit to a criminal background check, and
- be responsible to and under the direct and immediate personal supervision of a pharmacist.

The registration fee for the temporary registration may not be more than one-half the fee for registration and the fee may be applied to the registration fee if the trainee applies for the pharmacy technician registration within the two years the temporary registration is effective.

**Identification Tags:** Both pharmacy technicians and pharmacy technician trainees are required to wear a name tag which clearly identifies the appropriate title.

**Infection Examinations:** A pharmacy with a waiver from Medicare and Medicaid services may allow the pharmacists to order and perform Covid-19, influenza and streptococcal tests authorized by the FDA under the Clinical Laboratory Improvement Amendments of 1988 (Public Law 100-578, 102 Stat. 2903). The pharmacy shall be exempt from requirements in the Clinical Laboratory Act (Act of September 26, 1951 (P.L. 1539, No. 389)).

**Final Regulations:** The Department of State shall issue final regulations within 18 months of the effective date of this legislation.

**FISCAL IMPACT:** According to the Department of State, the State Board of Pharmacy estimates there will be 34,000 pharmacy technician registrations in the Commonwealth which would require 15 new full-time positions. The estimated personnel costs are \$1,532,468 and the operating costs are \$507,335 for a total annual cost of \$2,039,803. Operating expenses would include added lease space, new workstations/computers, mileage reimbursement for inspectors, credit card fees for online payments, and postage costs.

With an estimated 34,000 pharmacy technician registrations, the estimated biennial cost per license would be \$120.

Since the Board would have over 20 months (effective date plus 18 months) to promulgate final regulations, it is highly unlikely than any expenses would be incurred before FY 2022/23.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** November 19, 2020

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*